

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	Case No. 02-51671
	)	
JOHN L. BERRY and	)	Chapter 7
ANNETTE L. BERRY,	)	
	)	
Debtors.	)	E. Rebecca Case, EDMO #38010MO
	)	MoBar No. 38010
	)	Stone, Leyton & Gershman
	)	A Professional Corporation
	)	7733 Forsyth Blvd., Ste 500
	)	St. Louis, Missouri 63105
	)	(314) 721-7011
	)	(314) 721-8660 (facsimile)
	)	chapter7trustee@stoneleyton.com

**TRUSTEE'S MOTION TO REOPEN CASE**

Chapter 7 Trustee E. Rebecca Case pursuant to 11 U.S.C. §350 and files this the Trustee's Motion to Reopen Case and in support thereof respectfully states as follows:

1. The Court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §§151, 157 and 1334, and Local Rule 81-9.01(B) of the United States District Court for the Eastern District of Missouri.

2. Debtors John L. Berry and Annette L. Berry ("Debtors") filed a Voluntary Petition for Relief under the provisions of Chapter 7 of Title 11 of the United States Code on October 10, 2002.

3. E. Rebecca Case was appointed Chapter 7 Trustee ("Trustee Case").

4. The initial Meeting of Creditors was held on November 15, 2002, continued, and concluded on February 21, 2003.

5. On April 10, 2003, Trustee Case filed a Notice of Assets and subsequently administered on the bankruptcy estate.

6. On September 20, 2004, Trustee Case filed her Final Report and Account, Proposed Distribution and Motion for Abandonment.

7. On October 21, 2004 the Court entered an Order Approving Trustee Case's Final Report and Account (Docket Entry No. 79).

8. On March 2, 2005 the Court issued the Final Decree and closed the bankruptcy case.

9. Trustee Case subsequently received information that Debtor John L. Berry will receive a large sum from a class action settlement (*Jack L. and Hilda M. Beaver vs. U.S. Bank National Association, et al.*, Circuit Court of Jackson County, Missouri, Case No. 1216-cv21345) that was not disclosed on Debtors' original Schedules.

10. 11 U.S.C. §350(b) states the following:

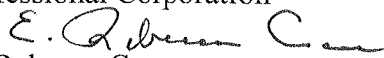
A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.

11. The case should be reopened to enable Trustee Case to administer upon the asset which was not disclosed by Debtors and subsequently not abandoned.

WHEREFORE, Chapter 7 Trustee E. Rebecca Case requests that the United States Bankruptcy Court approve and sustain the Trustee's Motion to Reopen Case.

Respectfully submitted,

STONE, LEYTON & GERSHMAN,  
A Professional Corporation

  
/s/ E. Rebecca Case  
E. Rebecca Case, EDMO #38010MO  
MoBar No. 38010  
7733 Forsyth Blvd., Suite 500  
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(314) 721-7011  
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chapter7trustee@stoneleyton.com  
Chapter 7 Trustee

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was sent via first class, United States mail, postage prepaid and/or electronic notice on October 17, 2012 to the following:

1. John L. Berry Debtor  
305 Hollytree Lane  
Farmington, Missouri 63640
2. Annette L. Berry Debtor  
305 Hollytree Lane  
Farmington, Missouri 63640
3. James R. Brown Attorney for Debtors  
Castle Law Office of St. Louis  
500 N. Broadway, Suite 1400  
St. Louis, Missouri 63102
4. Office of the United States Trustee  
111 S. 10<sup>th</sup> Street, Suite 6353  
St. Louis, Missouri 63102

/s/ E. Rebecca Case

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E. Rebecca Case